REPORT OF COMMITTEE ON EDU-CATION.

Committee Room, Austin, Texas, September 13, 1917. Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred Senate bill No. 14, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. THOMASON of Nacogdoches, Chairman.

OF COMMITTEE REPORTS ROADS, BRIDGES AND FERRIES.

Committee Room, Austin, Texas, September 11, 1917. Hon. F. O. Fuller, Speaker of the House of Representatives.

Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 16, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

BLAND, Chairman.

Committee Room, Austin, Texas, September 12, 1917. Hon. F. O. Fuller, Speaker of the House of Representatives.

Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 18, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. BLAND, Chairman.

Committee Room,

Austin, Texas, September 12, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Your Committee on Roads, Sir: Bridges and Ferries, to whom was referred House bill No. 21, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. BLAND, Chairman.

REPORT OF COMMITTEE ON AGRI-CULTURE.

Committee Room, Austin, Texas, September 12, 1917. Hon. F. O. Fuller, Speaker of the House of Representatives.

to whom was referred House bill No. 1, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Tillotson has been appointed to make a full report thereon. BELL, Chairman.

REPORT OF COMMITTEE ON STOCK AND STOCK RAISING.

Committee Room,

Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 24, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

NEILL, Chairman.

# FIFTEENTH DAY.

(Friday, September 14, 1917.)

The House met at 9:30 o'clock a. m. pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Baker. Beard of Milam. Beasley. Beason. Bedell. Bell. Beitram. Blackburn. Blackmon. Bland. Bledsoe. Brown. Bryan. Bryant. Burton of Rusk. Burton of Tarrant. Butler. Cadenhead. Cates. Clark. Cope. Cox. Davis of Dallas. Davis of Grimes. Davis of Van Zandt. De Bogory. Denton. Sir: Your Committee on Agriculture, Dodd.

Dudley. Dunnam. Estes. Fairchild. Fisher. Fitzpatrick. Florer. Fly. Greenwood. Haidusek. Hardey. Harris. Hill. Holaday. Holland. Hudspeth. Johnson. Jones. Laas. Lacey. Laney. Lanier. Lee. Lindemann. Lowe

of McMullen. Low of Washington.

McComb.

McCoy. Smith of Bastrop. Smith of Hopkins. McDowra. Smith of Scurry. McFarland McMillin. Spencer of Wise. Spradley. Martin. Meador. Stewart. Mendell. Swope. Miller of Austin. Templeton. Terreli. as. Miller Monday. Thomas. Thomason Moore. of El Paso. Morris. Thomason Murrell. of Nacogdoches. Neill. Nordhaus. Thompson of Hunt. O'Banion. Thompson Osborne. of Red River. Parks. Peyton. Tillotson. Pillow. Tilson. Tinner. Raiden. Reeves. Trayler. Richards. Tschoepe. Robertson. Veatch. Russell. Walker. White. Sallas. Sackett.. Williams of Brazoria. Sentell. Schlesinger. Williford. Schlosshan. Wilson. Scholl. Woods. Seawright. Yantis. Sholars.

#### Absent.

Bagby. Peddy. Beard of Harris. Rogers. Spencer of Nolan. Carlock. Hartman. Strayhorn. Hawkins. Upchurch. Lange. Valentine. Neeley. Wahrmund. Nichols.

Absent-Excused.

Blalock. Pope. Canales. Roemer. Crudgington. Taylor. Metcalfe. Williams O'Brien. of McLennan. Poage. Woodul.

The Speaker announced a quorum present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain, as follows:

Our Heavenly Father, bowing before Thee, we acknowledge Thee as our only true and living God, our Redeemer and our Guide. We pray Thee to guide the affairs of this Legislature to Thy own glory and the good of all commonwealth. Let Thy richest blessing rest on the head of our Speaker and all the members of each committee. May all glorify was passed to a third reading.

Thy great and holy name, we ask for Jesus' sake. Amen.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Pope, for today and tomorrow, on motion of Mr. Williford.

Mr. Metcalfe, for today, on motion of Mr. Sackett.

Mr. O'Brien, for today and tomorrow, on motion of Mr. Harris.

On motion of Mr. Spencer of Wise, Mr. Canales was excused indefinitely on account of sickness.

# BILL ORDERED NOT PRINTED.

On motion of Mr. Lacey it was ordered that House bill No. 24 be not printed.

# SENATE BILL NO. 14 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading,

S. B. No. 14, A bill to be entitled "An Act creating the Rock Island Independent School District as passed by the First Called Session of the Thirtyfifth Legislature."

The bill was read second time and was passed to a third reading.

# SENATE BILL NO. 16 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to a third reading.

S. B. No. 16, A bill to be entitled "An Act authorizing the commissioners court of Dallas county, Texas, to provide a building in the city of Dallas at or near the court house in said county, and to establish therein a woman's rest room or rest rooms of sufficient dimensions for the comfort and convenience of the women and children from the rural districts who are called upon to attend court, or to visit the county site; and appropriate sufficient money out of the general fund of said county to properly maintain said rest room or rest rooms, and to pay the salaries of the matron and janitor, and to provide water, lights and heat for said building."

The bill was read second time and

Mr. Miller of Dallas moved to reconsider the vote by which Senate bill No. 16 was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

# SENATE BILL NO. 16 ON THIRD READING.

Mr. Miller of Dallas moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that Senate bill No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas-107.

Mr. Speaker. Lanier. Baker. Lindemann. Beard of Milam. Lowe of McMullen. Beasley. Beason. Low of Washington. Bedell. McComb. Bell. Bertram. McCoy. Blackburn. McDowra. Blackmon. McMillin. Bland. Martin. Meador. Bledsoe. Mendell. Bryan. Miller of Austin. Bryant. Burton of Rusk. Miller of Dallas. Burton of Tarrant. Monday. Butler. Morris. Cadenhead. Murreli. Cates. Neill. Clark. Nordhaus. Cope. O'Banion. Cox. Osborne. Davis of Dallas. Parks. Davis of Grimes. Peyton. Davis Pillow. of Van Zandt. De Bogory. Raiden. Reeves. Denton. Richards. Dodd. Robertson. Russell. Dudley. Sackett. Dunnam. Estes. Sallas. Fairchild. Sentell. Schlesinger. Florer. Fly. Schlosshan. Haidusek. Scholl. Hardey. Seawright. Harris. Sholars. Smith of Bastrop. Hill. Holaday. Smith of Hopkins. Smith of Scurry. Holland. Spencer of Wise. Hudspeth. Spradley. Johnson. Jones. Stewart. Laas. Swope. Templeton. Lacey.

Terrell. Trayler. Thomas. Tschoepe. Thomason Veatch. of El Paso. Walker. Thomason White. of Nacogdoches. Williams Thompson of Brazoria. Williford. of Hunt. Thompson Wilson. of Red River. Woods. Tillotson. Yantis. Tilson.

#### Absent.

Bagby. McFarland. Beard of Harris. Moore. Brown. Neeley. Carlock. Nichols. Fisher. Peddy. Fitzpatrick. Rogers. Greenwood. Spencer of Nolan. Hartman. Strayhorn. Hawkins. Tinner. Laney. Upchurch. Lange. Valentine. Wahrmund. Lee.

#### Absent-Excused.

Blalock.
Canales.
Crudgington.
Metcalfe.
O'Brien.
Poage.

Pope.
Roemer.
Taylor.
Williams
of McLennan.
Woodul.

The Speaker then laid Senate bil No. 16 before the House, on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll and the bill was passed by the following vote:

# Yeas-108.

Mr. Speaker. Cox. Davis of Dallas. Baker. Beard of Milam. Davis of Grimes. Beasley. Davis Beason. of Van Zandt. De Bogory. Bedell. Denton. Bell. Dodd. Bertra m. Blackburn. Dudley. Dunnam. Blackmon. Estes. Bland. Fairchild. Bledsoe. Fitzpatrick. Bryan. Florer. Bryant. Fly. Burton of Rusk. Burton of Tarrant. Haidusek. Hardey. Butler. Harris. Cadenhead. Cates. Hill. Holland. Clark. Hudspeth. Cope.

Johnson. Schlesinger. Jones. Schlosshan. Laas. Scholl. Lacev. Seawright. Sholars. Laney. Lanier. Smith of Bastrop. Lindemann. Smith of Hopkins. Lowe Smith of Scurry. of McMullen. Spencer of Wise. Spradley. Low of Washington. Stewart. McComb. Swope. Templeton. McCoy. McDowra. Terrell. Thomas. McMillin. Martin. Thomason of El Paso. Meador. Mendell. Thomason Miller of Austin. of Nacogdoches. Miller of Dallas. Thompson Monday. of Hunt. Morris. Thompson Murrell. of Red River. Neill. Tillotson. Nordhaus. Tilson. Trayler. O'Banion. Osborne. Tschoepe. Parks. Veatch Peyton. Walker. Pillow. White. Williams Raiden. Reeves. of Brazoria. Williford. Richards. Wilson. Robertson. Russell. Woods. Sackett. Yantis. Sentell.

# Absent.

Bagby. Moore. Beard of Harris. Neeley. Brown. Nichols. Carlock. Peddy. Fisher. Rogers. Greenwood. Sallas. Hartman. Spencer of Nolan. Hawkins. Strayhorn. Holaday. Tinner. Lange. Upchurch. Lee. Valentine. McFarland. Wahrmund.

#### Absent—Excused.

Blalock. Pope.
Canales. Roemer.
Crudgington. Taylor.
Metcalfe. Williams
O'Brien. of McLennan.
Poage. Woodul.

# CONGRATULATING CITIZENS OF WILLIAMSON AND OTHER COUNTIES.

The Speaker laid before the House, as Lacey. unfinished business the resolution offered Laney.

on Wednesday, September 12, by Mr. Martin, congratulating citizens of Williamson and other counties.

Question—Shall the resolution be adopted?

Mr. Spradley moved to refer the resolution to the Committee on Liquor Traffic.

Mr. Martin moved to table the motion to refer.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas-30.

Blackmon. Martin. Bledsoe. Mendell. Brown. Miller of Austin. Burton of Tarrant. Miller of Dallas. Cates. Monday. Dudley. Nordhaus. Pillow. Haidusek. Robertson. Hardey. Harris. Sallas. Hill. Scholl. Holland. Sholars. Johnson. Smith of Scurry. Jones. Swope. Laas. Thompson Lindemann. of Hunt. McMillin. Walker.

#### Nays-67.

Baker. Lanier. Beard of Milam. Lowe of McMullen. Beasley. Beason. McComb. Bedell. McCoy. Bell. Meador. Bertram. Morris. Blackburn. Neill. O'Banion. Bland. Bryan. Osborne. Parks. Bryant. Burton of Rusk. Peyton. Butler. Raiden. Cadenhead. Reeves. Clark. Russell. Cope. Sackett. Davis of Dallas Sentell. Davis of Grimes. Seawright. Smith of Bastrop. Smith of Hopkins. Davis of Van Zandt. De Bogory. Spencer of Wise. Dodd. Spradley. Dunnam. Stewart. Estes. Templeton. Fairchild. Terrell. Fitzpatrick. Thomas. Thomason Florer. of El Paso. Fly. Thomason Holaday. Hudspeth. of Nacogdoches. Tilson. Lacey.

Tinner.

Tschoee. Willifor d. Weatchp Wilson. Woods. of Brazoria. Yantis.

Present-Not Voting.

Cox. Denton. Murrell. Schlosshan. Trayler. White.

#### Absent.

Bagby. Beard of Harris. Neeley. Nichols. Peddy. Carlock. Fisher. Richards. Greenwood. Rogers. Hartman. Schlesinger. Spencer of Nolan. Hawkins. Lange. Strayhorn. Lee. Thompson of Red River. Low of Washington. Tillotson. McDowra. Upchurch. McFarland. Valentine. Moore. Wahrmund.

#### Absent—Excused.

Blalock. Pope.
Canales. Roemer.
Crudgington. Taylor.
Metcalfe. Williams
O'Brien. of McLennan.
Poage. Woodul.

Question then recurring on the motion to refer, it prevailed.

#### MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, September 14, 1917. Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

H. B. No. 2, A bill to be entitled "An Act to amend Articles 1867 and 1868 of the Revised Civil Statutes of the State of Texas and to repeal all laws in conflict therewith by providing that a defendant who is in the service of the United States as a soldier shall not be required to answer to the merits of a demand sued upon during the time he is actively engaged as a soldier in the war between the United States and the imperial government of Germany and providing that he shall be required to answer to the merits of such suit within ninety days from the date of the signing of a treaty of peace between the United States and the imperial government of Germany, and de-

claring an emergency," with amendments.

H. B. No. 3, A bill to be entitled "An Act providing that in case of sales of real property of soldiers or sailors serving in the armies or navies of the United States who are in war with Germany, by virtue of deeds of trust or mortgages, where such sales are made without foreclosure suits, that before the execution of any conveyance or delivery of the property there shall first be filed a suit for the confirmation of the sales and for authority to make conveyance and delivery of the property, declaring how service shall be had in such suits, and the law applicable thereto, and providing for confirmation of such sales, and declaring an emergency," with amendments.

gency," with amendments.

H. B. No. 8, A bill to be entitled "An Act to amend Sections 1, 2 and 8 of Chapter 181, General Laws, enacted at the Regular Session of the Thirty-fifth Legislature, establishing 'standard containers' and 'standard packs and grades' for fruits and vegetables and to add thereto Section 2a, and declaring an

emergency," with amendments.

S. B. No. 9, A bill to be entitled "An Act creating an express lien in favor of the State of Texas on all public free school land, University land, and the several asylums land for the use and benefit of the public free school fund, the University fund, and the several asylums fund for the purpose of securing the payment to said funds of all unpaid purchase money and interest thereon due and to become due upon all of said lands which have heretofore been sold and which may hereafter be sold so long as any portion of the principal or any portion of the interest thereon remains unpaid; also authorizing the Commissioner of the General Land Office on behalf of the State of Texas to transfer the indebtedness due to said funds and the lien held upon said land for the benefit of said funds to secure the payment of the principal and interest to such person, firm or corporation as may make payment in full to the State for all sums due upon said land, and providing that the person, firm or corpora-tion that may pay said indebtedness shall be subrogated to all the rights, liens and remedies held and enjoyed by the State, and declaring an emergency."

Respectfully, JNO. D. McCALL, Secretary of the Senate.

# MESSAGES FROM THE ACTING GOVERNOR.

Mr. S. Raymond Brooks, private secretary to the Acting Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Acting Governor:

Governor's Office.
Austin, Texas, September 13, 1917.
To the Thirty-fifth Legislature in Third

Called Session:

I beg to submit for the consideration of your honorable body the following subjects:

- 1. Enactment of a law for the protection of wild turkeys, squirrels and fur-bearing animals in the counties of Angelina, Cherokee, Hardin, Liberty, Nacogdoches and Tyler.
- 2. Enactment of a law creating the Ben Wheeler Independent School District in Van Zandt county, Texas.
- 3. Enactment of an amendment to Article 925, Chapter 6, Tittle 22, Revised Civil Statutes of Texas, 1911, providing for the levy and collection of an ad valorem tax by a city or town sufficient to meet interest payments and to create a sinking fund on all indebtedness incurred prior to the adoption of the constitutional amendment in 1883.
- 4. Enactment of a law making an appropriation for the additional support of the Game, Fish and Oyster Department for the firstal years ending August 31, 1918, and August 31, 1919.
- 5. Enactment of an amendment to Section 1 of Chapter 123, page 320 of the General Laws of the State of Texas, as passed by the Thirty-fifth Legislature at its Regular Session, so as to provide that said not shall not apply to any act permitted by the statutes of the United States of America, or by the United States Army and Navy Regulations, nor to be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on any of which shall be printed, painted, or placed said flag or flags, disconnected from any advertisement.

Respectfully submitted, W. P. HOBBY, Acting Governor. Governor's Office.

Austin, Texas, September 13, 1917.

To the Thirty-fifth Legislature in Third Called Session:

- I beg to submit for the consideration of your honorable body the following subjects:
- 1. Enactment of a law to create a more efficient road system for Trinity county, Texas, and providing for the appointment of road overseers, and the creation of the authority of the county road superintendents and to define its duties; repealing Chapter 146, passed by the Thirty-fifth Legislature in regular session, creating a special road law for Trinity county.
- 2. Enactment of a law authorizing the commissioners court of San Patricio county, Texas, to order an election to determine whether or not the office of county superintendent of schools shall be abolished and the duties of same conferred on the county judge of said county.

Respectfully submitted, W. P. HOBBY, Acting Governor of Texas.

#### HOUSE BILLS ON FIRST READING.

The following House hills, introduced today, were laid before the House, read severally the first time and referred to the appropriate committees, as follows:

By Mr. Sackett and Mr. Thomason of El Paso:

H. B. No. 25. A bill to be entitled "An Act to amend Article 5692, Revised Civil Statutes of Texas, as adopted in 1911, providing that actions for specific performance shall be filed within two years, and declaring an emergency."

Referred to Committee on Civil Pro-

By Mr. Russell:

If. B. No. 26, A bill to be entitled "An Act authorizing the commissioners court of San Patricio county, Texas, to order an election to determine whether or not the office of county superintendent of schools shall be abolished and the duties of same conferred upon the county judge of said county; providing the method of calling such election, the manner of holding same and making returns thereof; providing for the appointment of election officers, the

form of ballot and qualification of voters, and declaring an emergency." Referred to Committee on Counties.

By Mr. Davis of Van Zandt:

H. B. No. 27, A bill to be entitled "An Act creating the Ben Wheeler Independent School District in Van Zandt county, Texas, defining its metes and bounds, providing for a board of trustee therefor, vesting it with the rights and duties of district incorporated for school purposes only under the general laws, and declaring an emergency."

Referred to Committee on Education.

By Mr. Peyton:

H. B. No. 28, A bill to be entitled "An Act to create a more efficient road system for Trinity county, Texas, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said county with regard thereto; to create the authority of the county road superintendents and to define its duties; and to provide adequate penalties for the violation of the provisions of this act; repealing Chapter 146, passed by the Thirty-fifth Legislature in regular session, creating a special road law for Trinity county, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Mendell:

H. B. No. 29, A bill to be entitled "An Act to amend Section 1 of Chapter 123, page 320, of the General Laws of the State of Texas, as passed by the Thirty-fifth Legislature at its regular session, so as to provide that said act shall not apply to any act permitted by the statutes of the United States of America, or by the United States Army and Navy Regulations nor be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry or sta-tionery for use in correspondence, on any of which shall be printed, painted, or placed said flag or flags, disconnected from any advertisement, and declaring an emergency,"

... Referred to Judiciary Committee.

By Mr. Mendell:

H. B. No. 30, A bill to be entitled "An Act making an appropriation out

of the general revenue for additional support of the Game, Fish and Oyster Department for the fiscal years ending August 31, 1918, and August 31, 1919, and declaring an emergency."

Referred to Committee on Appropri-

By Mr. Terrell, Mr. Fairchild, Mr. Sholars, Mr. Thomason of Nacogdoches:

H. B. No. 31, A bill to be entitled "An Act for the protection of wild turkeys, squirrels and furbearing animals in the counties of Angelina, Cherokee, Hardin, Liberty, Nacogdoches and Tyler, providing a closed season in said counties, limiting the number of wild turkeys and squirrels to be killed by any one person, providing penalties for the violation of this act, and declaring an emergency."

Referred to Committee on Game and

Fisheries.

SENATE BILL ON FIRST READING.

Senate bill No. 9 was laid before the House, read first time and referred to the Judiciary Committee.

HOUSE BILL NO. 4 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment.

H. B. No. 4, A bill to be entitled "An Act authorizing counties acting through their commissioners courts to purchase seeds to be planted on farms in such counties by residents thereof who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations by which such seeds and feed will be furnished said residents of the counties who are poor and unable to procure the same, and prescribing the amount thereof which may be furnished; authorizing counties to use their general funds for this purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the year 1918 are collected; authorizing counties of the State to issue bonds under Title 18, Chapter 1, of the Revised Civil Statutes for the purpose of obtaining funds to be used as aforesaid; prescribing when the commissioners court shall submit the ques-

tion for the issuance of bonds, the limitations thereof, and making the title and chapter above mentioned applicable to this act; providing how the proceeds of such bonds shall be handled; conferring certain powers and prescribing certain duties relative to administration of this act on the commissioners courts and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this act may obtain seed and feed thereunder, and providing for the payment thereof by such persons; conferring certain powers and authority upon the county treasurer and the county attorney relative to the administration of this act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seeds and feed, and the distribution of the same hereunder; stating the percentage of the amount which the State will advance, and the terms and conditions thereof; prescribing certain duties for the Commissioner of Agriculture, the State Treasurer, the Comptroller of Public Accounts, and the Attorney General of the State of Texas, relative to the administration of this act: providing for the repayment to the State of funds advanced by it: defining and creating certain offenses for violations of the terms of this act, and providing punishment therefor; stating when operation may be commenced under this act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this act in the sum of five thousand (\$5000) dollars, and declaring an emergency."

The bill was read second time.

(Mr. Mendell in the chair.)

Mr. Tillotson offered the following amendment to the bill:

Amend H. B. No. 4, page 5, line 37, by striking out all after the word "purpose" on page 5.

Also by striking out all of Sections 18. 19, 21 and 22 on pages 6 and 7.

Signed-Tillotson, Sackett.

Question—Shall the amendment be adopted?

(Speaker Fuller in the chair.)

# HOUSE BILL NO. 8 WITH SENATE AMENDMENTS.

Mr. Terrell called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 8, A bill to be entitled "An Act to amend Sections 1, 2 and 8, of Chapter 181 of the General Laws enacted at the Regular Session of the Thirty-fifth Legislature, establishing standard containers and standard packs and grades for fruits and vegetables, and to add thereto Section 2a, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Qustion—Shall the House concur in the Senate amendments?

On motion of Mr. Terrell, the House concurred in the Senate amendments.

# HOUSE BILL NO. 2 WITH SENATE AMENDMENTS.

Mr. Fitzpatrick called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 2, A bill to be entitled "An Act to amend Articles 1867 and 1808 of the Revised Civil Statutes of the State of Texas and to repeal all laws in conflict therewith by providing that a defendant who is in the service of the United States as a soldier shall not be required to answer to the merits of a demand sued upon during the time he is actively engaged as a soldier in the war between the United States and the imperial government of Germany, and providing that he shall be required to answer to the merits of such suit within ninety days from the date of the signing of a treaty of peace be-tween the United States and the imperial government of Germany; and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Fitzpatrick, the House concurred in the Senate amendments.

# HOUSE BILL NO. 3 WITH SENATE AMENDMENTS.

Mr. Fitzpatrick called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 3, A bill to be entitled "An Act providing that in case of sales of real property of soldiers or sailors serving in the armies or navies of the United States who are in war with Germany, by virtue of deeds of trust or mortgages, where such sales are made without foreclosure suits, that before the execution of any conveyance or delivery of the property there shall first be filed a suit for the confirmation of the sales and for authority to make conveyance and delivery of the property, declaring how service shall be had in such suits and the law applicable thereto, and providing for confirmation of such sales, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Question—Shall the House concur in the Senate amendments?

On motion of Mr. Fitzpatrick, the House concurred in the Schate amendments.

(Mr. Moore in the chair.)

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Peyton it was ordered that House bill No. 28 be not printed.

RECESS.

On motion of Mr. Sallas, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by Mr. Holland.

# HOUSE BILL NO. 4 ON ENGROSS-MENT.

The House resumed consideration of pending special order, same being House bill No. 4, granting aid to drouth-stricken sections of the State, on its passage to engrossment, with amendment by Mr. Tillotson pending.

Mr. Lee moved the previous question on the amendment and engrossment of the bill and the motion was not seconded.

(Speaker in the chair.)

Mr. Miller of Dallas moved previous question on all amendments filed and the engrossment of the bill and the main question was ordered.

Question first recurring on the amendment by Mr. Tillotson, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas-46.

Beard of Milam. O'Banion. Parks. Bertram. Blackmon. Peyton. Burton of Rusk. Raiden. Butler. Reeves. Clark. Russell. Davis of Dallas. Sackett. Sallas. Davis of Van Zandt. Sentell. Dodd. Schlosshan. Dunnam. Scholl. Fairchild. Seawright. Sholars. Fisher. Smith of Hopkins. Greenwood. Harris. Stewart. Johnson. Terrell. Thomason Lacey. of Nacogdoches. Lanier. Thompson Low of Washington. of Hunt. Tillotson. McComb. Tinner. McDowra. Meador. Trayler. Miller of Austin. Walker.

#### Nays-36.

Moore.

Woods.

Lowe Baker. of McMullen. Beasley. McCoy. Beason. Bell. McFarland. Blackburn. Mendell. Miller of Dallas. Cadenhead. Cope. Neill. Davis of Grimes. Nordhaus. De Bogory. Smith of Scurry. Denton. Templeton. Dudley. Thomas. Estes. Thompson of Red River. Hardey. Tilson. Holaday. Holland. Tschoepe. White. Hudspeth. Jones. Williams of Brazoria. Laas. Williford. Lindemann. Wilson.

# Present-Not Voting.

Mr. Speaker.
Bledsoe.
Brown.
Bryan.
Bryant.
Bryant.
Haidusek.
McMillin.

Murrell. Spencer of Wise. Spradley. Thomason of El Paso. Veatch.

#### Absent.

Monday. Bagby. Beard of Harris. Morris. Neeley. Bedell. Bland. Nichols. Burton of Tarrant. Osborne. Peddy. Carlock. Cates. Robertson. Cox. Rogers. Fitzpatrick. Schlesinger. Smith of Bastrop.

Florer.
Hartman.
Hawkins.
Hill.
Laney.
Lange.

Lee.

Martin.

Spencer of Nolan.
Strayhorn.
Swope.
Upchurch.
Valentine.
Wahrmund.
Yantis.

#### Absent—Excused.

Blalock. Canales. Crudgington. Metcalfe. O'Brien. Pope.
Roemer.
Taylor.
Williams
of McLennan.
Woodul.

Poage.

#### Paired.

Mr. Pillow (present), who would vote "nay," with Mr. Richards (absent), who would vote "yea."

Mr. O'Banion moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Bell offered the following amendment to the bill:

Amend H. B. No. 4, page 7, line 40, by adding Section 23a, as follows:

"Should any section or sections of this act or any part of any section or sections of this act be held to be void and without force or effect, for any reason whatsoever by any court of competent jurisdiction and having final jurisdiction thereof, then the remaining portions of this act shall not be thereby affected, but shall remain in full force and effect as though the void or unenforceable portion thereof, if any, had not been incorporated into this act."

Signed-Bell, Templeton.

The amendment was adopted.
Mr. Beard of Milam offered the following amendment to the bill:

Amend the bill, Section 1, line 13, by Estes.

adding after the word "counties" the words "and foodstuffs to supply such families."

Mr. O'Banion raised a point of order on consideration of the amendment on the ground that the subject matter has not been submitted by the Governor.

The Speaker overruled the point of order.

Mr. O'Banion raised a further point of order on consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Speaker overruled the point of

Question then recurring on the amendment, it was lost.

Mr. Bertram offered the following amendment to the bill:

Amend H. B. No. 4, Section 7, by adding after the word "them," in line 4, page 4, the following: "Provided no person who owns more than 200 acres of land shall receive any benefits from this act."

The amendment was lost.

Mr. Beasley offered the following amendment to the bill:

Amend H. B. No. 4, page 2, line 20, by inserting between the words "are" and "residences" the following: "Property taxpayers and."

The amendment was adopted.

Question then recurring on engrossment of the bill, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

#### Yeas-72.

Florer.

Baker. Beard of Milam. Beasley. Beason. Bell. Blackburn. Bledsoe. Brown. Bryan. Bryant. Cadenhead. Clark. Cope. Davis of Dallas. Davis of Grimes. Davis of Van Zandt. De Bogory. Denton. Dodd. Dudley.

Greenwood.
Haidusek.
Hardey.
Harris.
Holaday.
Holland.
Hudspeth.
Johnson.
Jones.
Laas.
Laney.
Lanier.
Lindemann.
Lowe
of McMulle

of McMullen.
McCoy.
McDowra.
McFarland.
McMillin.
Mendell.
Miller of Austin.

Miller of Dallas. Stewart. Murrell. Templeton. Terrell. Neill. Thomas. Osborne. Thomason Parks. of El Paso. Peyton. Tillotson. Pillow. Tilson. Raiden. Tinner. Reeves. Russell. Trayler. Tschoepe. Sackett. Schlosshan. Veatch. White. Scholl. Seawright. Williford. Smith of Hopkins. Wilson. Smith of Scurry.

#### Nays-30.

Bedell. Moore. O'Banion Bertram. Blackmon. Sallas. Sentell. Butler. Sholars. Dunnam. Spradley. Fairchild. Thomason Fisher. of Nacogdoches. Lacey. Thompson Low of Hunt. of Washington. McComb. Walker. Meador.

# Present-Not Voting.

Burton of Rusk. Williams
Fly. of Brazoria.
Spencer of Wise. Woods.

# Absent.

Nichols. Bagby. Beard of Harris. Nordhaus. Peddy. Bland. Burton of Tarrant. Richards. Robertson. Carlock. Rogers. Cates. Cox. Schlesinger. Smith of Bastrop. Fitzpatrick. Spencer of Nolan. Hartman. Hawkins. Strayhorn. Swope. Hill. Lange. Thompson of Red River. Lee. Upchurch. Martin. Valentine. Monday. Wahrmund. Morris. Yantis. Neeley.

#### Absent—Excused.

Blalock. Pope.
Canales. Roemer.
Crudgington. Taylor.
Metcalfe. Williams
O'Brien. of McLennan.
Poage. Woodul.

## Reasons for Vote.

I have grave doubts as to the constitutionality of the bill, but being im-

portuned by a number of my constituents to support it, I am resolving the doubt in their favor and reluctantly vote "yea."

RUSSELL.

I vote "nay" on H. B. No. 4 for the reason that it is my firm opinion that it is unconstitutional. Article 3, Section 52 of the Constitution, says "The Legislature shall have no power to authorize any county \* \* \* to lend its credit or grant public money \* \* \* to any individual, etc." This bill authorizes the counties to issue bonds to raise money to lend to individuals, which bonds will have to be paid out of the revenues of the counties raised by taxation, and is therefore the grant of public money for the aid of individuals, which is clearly prohibited by the provision of the Constitution above quoted. BUTLER.

Mr. Tillotson moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

# HOUSE BILL NO. 24 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 24, A bill to be entitled "An Act to amend Article 7235, Title 24; Chapter 6 of the Revised Civil Statutes, State of Texas for 1911, so as to include therein Madison county."

The bill was read second time and was passed to engrossment.

# MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, September 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 11, A bill to be entitled "An Act to amend Section 37, Chapter 17, of the General and Special Laws of the State of Texas, passed at the Thirty-third Legislature at its First Called Session, being 'An Act creating the San Patricio county road system, so as to require the tax assessor to make up the

tax rolls of said county by defined road districts, instead of by justice precincts. by adding a new section to be designated as Section 37a; fixing a compensation of the tax assessor, and declaring an emergency."

Respectfully.

G. H. BOYNTON. · Assistant Secretary of the Senate.

(Speaker Fuller in the chair.)

# BILL SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 16, "An Act authorizing the commissioners court of Dallas county. Texas, to provide a building in the city of Dallas at or near the court house in aid county, and to establish therein a woman's rest room or rest rooms of sufficient dimensions for the comfort and convenience of the women and children from the rural districts who are called upon to attend court, or to visit the county site; and appropriate sufficient money out of the general fund of said county to properly maintain said rest room or rest rooms, and to pay the salaries of the matron and janitor, and to provide water, lights and heat for said building."

# HOUSE BILL NO. 21 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 21, A bill to be entitled "An Act to amend Chapter 104 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, entitled an act creating a more efficient road system for Newton county. Texas, etc., and declaring an emergency."

The bill was read third time. The Clerk was directed to call the roll and the bill was passed by the following vote:

# Yeas-95.

Mr. Speaker. Blackmon. Baker. Beard of Milam. Bledsoe. Brown. Beasley. Bryan. Beason. Bryant. Bedell. Burton of Rusk. Rell. Butler. Bertram. Cadenhead.

Cope. O'Banion. Davis of Dallas. Osborne. Davis of Grimes. Parks. Davis Peyton. of Van Zandt. Pillow. De Bogory. Raiden. Denton. Reeves. Robertson. Dodd. Dudley. Russell. Dunnam. Sackett. Estes. Sallas. Fairchild. Sentell. Fisher. Schlosshan. Fly. Scholl. Greenwood. Seawright. Haidusek. Smith of Hopkins. Hardey. Smith of Scurry. Harris. Spencer of Wise. Holaday. Spradley. Stewart. Holland. Hudspeth. Templeton. Terrell. Johnson. Thomas. Jones. Thomason Laas. of El Paso. Lacey. Thomason Laney. of Nacogdoches. Lanier. Lindemann. Thompson Lowe of Hunt. of McMullen. Thompson of Red River. of Washington. Tillotson. McComb. Tilson. McCoy. Trayler. McDowra. Tschoepe. McFarland. Veatch. McMillin. Walker. Meador. White. Mendell. Williams Miller of Austin. of Brazoria. Miller of Dallas. Williford. Moore. Wilson. Murrell. Woods. Neill.

# Absent.

Bagby. Morris. Beard of Harris. Neeley. Nichols. Blackburn. Bland. Nordhaus. Burton of Tarrant. Peddy. Carlock. Richards. Cates. Rogers. Clark. Schlesinger. Cox. Sholars. Smith of Bastrop. Fitzpatrick. Spencer of Nolan. Florer. Strayhorn. Hartman. Hawkins. Swope. Tinner. Hill. Lange. Upchurch. Lee. Martin. Valentine. Wahrmund. Monday. Yantis.

Absent—Excused.

Blalock. Canales.

Crudgington. Metcalfe. O'Brien. Poage. Pope.

Roemer. Taylor. Williams of McLennan.

Woodul.

## MESSAGE FROM THE ACTING GOVERNOR.

Mr. S. Raymond Brooks, private secretary to the Acting Governor, appeared at the bar of the House and, being duly announced, presented the following message from the Acting Governor, which was read to the House:

# Governor's Office.

Austin, Texas, September 14, 1917. To the Thirty-fifth Legislature in Third Called Session:

I submit for the consideration of your honorable body the following subject:

Enactment of a law to make an emergency appropriation to repair the North Texas Hospital buildings for the Insanc at Terrell, and to construct and equip a sewage disposal plant at said hospital. Respectfully submitted,

W. P. HOBBY, Acting Governor of Texas.

#### HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read the first time and referred to the appropriate committee, as follows:

By Mr. Osborne and Mr. Florer:

H. B. No. 32, A bill to be entitled "An Act to make an emergency appropriation to repair the North Texas Hospital buildings for the Insane at Terrell and to construct and equip a sewerage disposal plant at said hospital for the insane, and declaring an emergency."

Referred to Committee on Appropria-

tions.

# APPOINTMENT OF WARRANT CLERK.

The Speaker announced the appointment of Emory Menefee as warrant clerk.

#### ADJOURNMENT.

Mr. Bryant moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Templeton moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Tillotson moved that the House adjourn until 4 o'clock p. m. next Monday.

The motion of Mr. Bryant prevailed and the House accordingly, at 4 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

#### APPENDIX.

REPORT OF COMMITTEE ON APPRO-PRIATIONS.

Committee Room. Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 22, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Mendell has been appointed to make a full report thereon.

PEYTON, Chairman.

REPORT OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Committee Room, Austin, Texas, September 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 28, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

LEE, Vice-Chairman.

REPORT OF COMMITTEE ON EDUCA-TION.

Committee Room, Austin, Texas, September 14, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 27; have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room, Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 21, A bill to be entitled "An Act to amend Chapter 104 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, entitled an act to create a more efficient road system for Newton county, Texas, etc., and declaring an emergency,"

And find the same correctly engrossed. DENTON, Chairman.

Committee Room, Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 18, A bill to be entitled "An Act to amend Sections 1, 2 and 6. Chapter 4, of the Special Laws of the Regular Session of the Thirty-fifth Legislature, 1917, being an act to create a more efficient road law for Llano county. Texas, etc,"

And find the same correctly engrossed. RUSSELL, Chairman.

Committee Room, Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 10, A bill to be entitled "An Act to amend the special road law of Cass county, Texas, enacted by the Regular Session of the Thirty-fifth Legislature, 1917, which became effective June 2, 1917, same being an act to create a more efficient road law for Cass county, making the county commissioners ex-officio road supervisors, defining their duties and fixing their salaries; 'An Act to creat a more efficient road system for Cass county, Texas, and defining the powers and duties of the commissioners court of said county relative to roads and bridges of said county, and making county commissioners of said county ex-

officio road supervisors of their respective districts, etc., and declaring an emergency,"

And find the same correctly engrossed. RUSSELL, Chairman.

Committee Room,

Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 14, A bill to be entitled "An Act to amend Chapter 42 of the General and Special Laws of this State of the First Called Session of the Thirty-fifth Legislature, relating to the State Institution for the Training of Juveniles, as found on pages 92 and 93 of the laws of the First Called Session of the Thirty-fifth Legislature,"

And find the same correctly engrossed. DENTON, Chairman.

Committee Room,

Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 16, A bill to be entitled "An Act to amend Sections Nos. 2 and 14 of the Special Road Laws of Coleman county, Texas, approved April 15, 1905, being House bill No. 542, as amended by an act being House bill No. 688, of the Special Laws of Texas, and as amended by an act being House bill No. 52, of the Special Laws of Texas, approved June 4, 1915, which House bill No. 542 is entitled 'An Act to amend Sections 2, 4, 6, 7, 9, 12 and 14 of the Special Laws of Texas, approved April 15, 1905, being House bill No. 542, entitled "An Act to create a more efficient road system for Coleman county, Texas; and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for the appointment of road overseers, and defining their duties and for the working of county convicts upon the public roads of said county, and providing for officers fees and rewards for escaped convicts, and authorizing the working of county convicts partly upon the county convict farm as well as upon the public roads, and partly upon both, in the discretion of the com-

missioners court, and making provisions applicable as far as practicable to convicts when worked upon county farms; and to provide for the summoning of teams for road work and for an allowance of time of road service for same; and fixing a penalty for a violation of this act; and to repeal all laws in conflict with this act as to Coleman county; providing for the condemnation of land needed for widening, straightening, changing or draining roads; providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work upon the roads the right to be relieved from the discharge of such duty on the payment of specific sums of money herein stipu-·lated; providing for the collection of such sums of money by road overseers; and prescribing the penalties for failure to comply with the provisions of this act," ' and declaring an emergency."

And find the same correctly engrossed. DENTON, Chairman.

Committee Room, Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 17, A bill to be entitled "An Act creating the Anahuac Independent School District in Chambers county, Texas, etc., and declaring an emergency."

And find the same correctly engrossed.

DENTON, Chairman.

Committee Room, Austin, Texas, September 13, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 19, A bill to be entitled "An Act authorizing the commissioners court of Dallas county, Texas, to provide a building in the city of Dallas at or near the courthouse in said county, and to establish therein a woman's rest room or rest rooms of sufficient dimensions for the comfort and convenience of the women and children of the rural districts who are called upon to attend court or to visit the county site; and appropriate sufficient money Laney.

out of the general fund of said county to properly maintain said rest room or rest rooms, and to pay the salaries of the matron and janitor, and to provide water, lights and heat for said building, and declaring an emergency,"

And find the same correctly engrossed. DENTON, Chairman.

#### SIXTEENTH DAY.

(Monday, September 17, 1917.)

The House met at 10 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Mr. Speaker. Lanier. Lee. Baker. Beard of Milam. Lindemann. McComb. Beasley. McDowra. Beason. McFarland. Bedell. McMillin. Bell. Meador. Bertram. Blackmon. Mendell. Metcalfe. Bledsoe. Miller of Dallas. Bryan. Moore. Bryant. Burton of Rusk. Morris. Butler. Murrell. Neeley. Cadenhead. Neill. Clark. Cope. O'Banion Osborne. Cox. Crudgington. Davis of Dallas. Peyton. Raiden. Davis of Grimes. Reeves. Richards. Davis of Van Zandt. Robertson. Russell. De Bogory. Denton. Sackett. Sallas. Dodd. Dudley. Sentell. Estes. Schlosshan. Fairchild. Scholl. Fisher. Seawright. Fitzpatrick. Sholars. Smith of Bastrop. Florer. Fly. Smith of Hopkins. Smith of Scurry. Haidusek. Spradley. Hardey. Stewart. Harris. Strayhorn. Hill. Holaday. Swope. Taylor. Holland. Templeton. Hudspeth. Thomas. Johnson. Thomason Jones. of Nacogdoches. Laas. Thompson . Lacey. of Hunt.